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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/562,301

11/01/2006

Lawrence David McCarthy

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EXAMINER

ROGERS, SCOTT A

ART UNIT

PAPER NUMBER

2625

MAIL DATE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/562,301	<b>Applicant(s)</b> MCCARTHY ET AL.	
	<b>Examiner</b> Scott A. Rogers	<b>Art Unit</b> 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17-28 and 45-60 is/are allowed.
- 6) ☒ Claim(s) 1,2,6,9,11,12,29,30,34,36,37 and 41-44 is/are rejected.
- 7) ☒ Claim(s) 3-5,7,8,10,13-16,31-33,35 and 38-40 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/28/2006</u> . | 6) <input checked="" type="checkbox"/> Other: <u>Detailed Action</u> .                  |

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election with traverse of Group I, claims 1-28, in the reply filed on March 8, 2010 is acknowledged. The traversal has been considered and found persuasive. Therefore, the requirement has been withdrawn.

### ***Claim Objections***

The numbering of claims is not in accordance with 37 CFR 1.126. Misnumbered claim 45 (first occurrence) has been renumbered as claim 44.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 6, 9, 11, 12, 29, 30, 34, 36, 37, 41, and 43 are rejected under 35 U.S.C. 102(b) as being anticipated by McGrew (US 5396559 A).

#### Referring to claim 1:

McGrew discloses in the discussion of the prior art referring to anticounterfeiting security devices employing encoded patterns of dots or lines which produce an interference pattern between the patterns resulting in Moiré fringes (see col. 1, lines 13-

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32 and description of drawings 1-3), a method of encoding a latent image, the method comprising: a) providing a latent image 150 to be encoded, the latent image having a plurality of latent image elements (lines), each latent image element having a visual characteristic (density) which takes one of a predetermined set of values; b) providing a secondary pattern (reference screen in Fig. 1A) having a plurality of secondary image elements (lines), the secondary pattern being capable of decoding said latent image 150 once the latent image has been encoded (message screen in Fig. 1B); c) relating the latent image elements to the secondary image elements (decoding message screen 200 using reference screen 210 in Fig. 2); and d) forming a primary pattern (see Fig. 3) comprising a plurality of primary image elements which correspond to said secondary image elements displaced in accordance with the value of the visual characteristic of the latent image elements to which said secondary image elements are related.

Referring to claim 2:

McGrew refers to selecting said visual characteristics to be a set of gray-scale (density) values (see col. 1, lines 29-32).

Referring to claim 6:

The image elements or lines in McGrew are inherently composed of smaller picture elements or pixels (see lines 13-14 in col. 1).

Referring to claim 9:

As already addressed above with respect to Fig. 2, McGrew discloses relating the latent image elements to the secondary image elements comprise associating the latent image elements with secondary image elements, where after the secondary

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image elements are displaced in dependence on the value of the visual characteristic of the latent image elements with which they are associated.

Referring to claims 11-12:

It can be considered in McGrew that the secondary and primary image elements are arranged in a generally rectangular array (vertically oriented) and that the secondary image elements are displaced along a vertical axis of the rectangular array.

Referring to claims 29, 30, 34, 36, 37, 41, and 43:

The article set forth in these claims corresponds to that which would be produced by the method set forth in the claims referred to above and therefore these article claims are rejected for the same reasons as given above.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 42 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGrew as applied to claim 29 above, and further in view of well known prior art (Official Notice).

Referring to claims 42 and 44:

While McGrew doesn't discuss producing a novelty item or patterns embossed on a polymer substrate, use of interference patterns in the prior art is well known to be employed in novelty items or patterns embossed on a polymer substrates to achieve a visual effect for entertainment or security reasons. Therefore, it would have been obvious to one of ordinary skill in the art to have employed interference patterns such as McGrew discusses in the prior art in order to provide a simple and effective way to reveal hidden messages.

***Allowable Subject Matter***

Claims 17-28 and 45-60 allowed.

Claims 3-5, 7-8, 10, 13-16, 31-33, 35, 38-40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Cited Art***

The art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott A Rogers whose telephone number is 571-272-7467. The examiner can normally be reached Monday through Friday 8:00am-5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Coles can be reached at 571-272-7402.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to TC2600 Customer Service at 571-272-2600. Official correspondence by facsimile should be sent to 571-273-8300. The USPTO Customer Service Center phone number is 800-PTO(786)-9199 or 571-272-1000.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Scott A Rogers/

Primary Examiner, Art Unit 2625

10 May 2010